

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 8 and 13-25 are pending in the application.

The allowability of claims 5, 9 and 10 is acknowledged with appreciation.

New claim 13 recites the subject matter of allowable claim 5 and base claim 1. See page 13, lines 5-6 of the present specification. Claim 5 (now claim 13) has not been amended to overcome prior art.

New claim 14 recites the subject matter of allowable claim 9 and base claims 1 and 6. Claim 9 (now claim 14) has only been amended to be in independent form and to correct minor informalities. Claim 9 (now claim 14) has not been amended to overcome prior art.

New claim 15 recites the subject matter of allowable claim 10. Claim 10 (now claim 15) has only been amended to be in independent form and to correct minor informalities. Claim 10 (now claim 15) has not been amended to overcome prior art.

Basis for new claims 16 through 18 can be found in the present specification including at original claim 7.

New claims 19 and 20 recite the subject matter of formula 13 disclosed on page 15 of the present specification.

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Basis for new claim 21 can be found in the present specification, including at page 24, line 26 and page 25, lines 31-32, and original claim 12.

Basis for new claims 22 and 23 can be found in the present specification, including at pages 26-30, and original claim 12.

Basis for new claims 24 and 25 can be found in the present specification, including at pages 23 and 24, and original claim 12.

No new matter has been added by the above noted claim amendments.

In response to the restriction requirement, the Applicants elect the invention of group I, with traverse. The applicants submit that there is unity of invention between the formulae I and II because they both serve the same function, i.e. microbicides. Thus, the applicants respectfully request that the restriction requirement be withdrawn.

If the application is in condition for allowance and the restriction requirement has not been withdrawn, the Examiner has permission to cancel the non-elected claims.

The rejection of claims 1, 2, 4, 6-10 and 12 under 35 U.S.C. § 112, second paragraph, is obviated by the amendments shown above. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

The rejection of claims 1, 2, and 4 under 35 U.S.C. § 102 over Miller, Buschmann, and Manabe is respectfully traversed. Merely to further prosecution, claims 1, 2 and 4 have been canceled. Thus, the Section 102 rejection is moot. Accordingly, withdrawal of the Section 102 rejection is respectfully requested.

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The rejection of claims 6-8 under 35 U.S.C. § 103 over Miller is respectfully traversed. The applicants note that claims 6-8 depend upon claim 1. Proviso "viii" in claim 1 excludes the chlorobenxenpropanol compound disclosed in Miller. Therefore, since Miller does not disclose the claimed compounds according to claim 1, Miller cannot make obvious the compositions of claims 6-8. Claims 6 and 7 have been canceled merely to further prosecution and claim 8 now depends upon allowable claim 14. Accordingly, withdrawal of the Section 103 rejection is respectfully requested.

In view of all of the rejections and objections of record having been addressed, it is believed that the subject application is in condition for allowance and notice to that effect is earnestly solicited.

Respectfully submitted,

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